

REPRINT

BANKING ACT (CAP. 48)

As in force at: 1 March 1996

STATUS: REPEALED

This version is that published in the Revised Edition of the Laws in force in Solomon Islands on 1st March 1996 [LN 24/96]

Repealed by the Financial Institutions Act 1998 from 3 August 1998

AN ACT TO MAKE PROVISION FOR THE LICENSING AND REGULATION OF BANKING IN SOLOMON ISLANDS AND MATTERS RELATING AND INCIDENTAL THERETO

BANKING ACT (CAP. 48)

Table of provisions

PART I	PRELIMINARY.....	1
1	Short title	1
2	Interpretation	1
PART II	LICENSING OF COMMERCIAL BANKS AND OTHER FINANCIAL INSTITUTIONS.....	2
3	Transaction of banking business without a licence an offence	2
4	Restrictions on use of certain words in business names and in representations by financial institutions in billheads, etc.	2
5	Applications for licences	3
6	Granting of licences	4
7	Revocation of licences	4
8	Minimum paid-up capital, etc.	5
9	Bodies corporate carrying on banking business on date of commencement	5
10	Change of constitution etc.	6
11	Licence fees and display of licences	6
PART III	DUTIES OF FINANCIAL INSTITUTIONS.....	7
12	Reserve fund	7
13	Restriction on payment of dividends and distribution of profits	7
14	Restriction on certain activities by licensed financial institutions	8
15	Minimum holdings of liquid assets	10
16	Statements to be furnished by financial institutions	11
17	Exhibition of balance sheet	13
18	Certain persons ineligible to take part in management of institutions licensed under Act	13
19	Auditors	14

PART IV INSPECTION AND CONTROL.....15

20	Appointment of examiner to examine books and affairs of financial institutions	15
21	Moratorium	16
22	Liquidation proceedings	16

PART V MISCELLANEOUS.....17

23	Prohibition of receipt of commission by staff, etc.	17
24	Unclaimed moneys	17
25	Declaration of non-banking day	19
26	Operation of Act	20
27	Regulations	20

BANKING ACT (Cap. 48)

As in force at: 1 March 1996

PART I PRELIMINARY

1 Short title

This Act may be cited as the *Banking Act*.

2 Interpretation

(1) In this Act, unless the context otherwise requires:

“**banking business**” has the meaning ascribed to that expression by the *Central Bank of Solomon Islands Act*;

“**Central Bank**” means the Central Bank of Solomon Islands established by the *Central Bank of Solomon Islands Act*;

“**commercial bank**” has the meaning ascribed to that expression by the *Central Bank of Solomon Islands Act*;

“**financial institution**” has the meaning ascribed to that expression by the *Central Bank of Solomon Islands Act*;

“**licence**” means a licence granted under this Act;

“**licensed**” means licensed under this Act to conduct banking business;

“**manager**” includes any person for the time being in charge of the principal office in Solomon Islands of any financial institution;

“**officer**” means a director, manager, or secretary of a financial institution;

“**unsecured advances or unsecured credit facilities**” means advances or credit facilities granted without security, or, in respect of any advance or credit facility made with security, any part of which at

any time exceeds the market value of the assets constituting that security:

Provided that where no such market value is ascertainable the value of the assets constituting the security shall be that determined by the Central Bank.

- (2) For the purposes of this Act, a person shall be deemed to accept deposits of money if he advertises for or solicits such deposits from the general public irrespective of any terms and conditions under which such deposits of money are solicited or received and whether or not certificates or other instruments are issued in respect of such deposits.
- (3) For the purposes of this Act, and unless the context otherwise requires, where a financial institution has more than one office, branch or agency in Solomon Islands transacting banking business all of those offices, branches and agencies shall together be deemed to be a single entity.

PART II LICENSING OF COMMERCIAL BANKS AND OTHER FINANCIAL INSTITUTIONS

3 Transaction of banking business without a licence an offence

- (1) Subject to the other provisions of this Act, no banking business shall be transacted in Solomon Islands except by a body corporate which is in possession of a valid licence granted under section 6.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine of one thousand dollars for each and every day during which such offence continues.

4 Restrictions on use of certain words in business names and in representations by financial institutions in billheads, etc.

- (1) No person other than a licensed commercial bank shall, without the consent of the Minister, use or continue to use in any name under which such person is carrying on business in Solomon Islands the word "commercial bank", or any derivative therefrom, or any equivalent in any language other than English of such word or

derivative.

- (2) No person, other than a licensed financial institution, shall, without the consent of the Minister, make or continue to make any representation in any billhead, letter paper, notice, advertisement or in any other manner whatsoever that such a person is transacting banking business in Solomon Islands.
- (3) Any person contravening or failing to comply with the provisions of this section shall be guilty of an offence and be liable to a fine of five hundred dollars for each and every day during which such offence continues.

5 Applications for licences

- (1) Subject to the provisions of section 9, any body corporate wishing to transact banking business in Solomon Islands shall apply to the Minister for a licence authorising it so to do.
- (2) An application for a licence under subsection (1) shall be made through the Central Bank in such form as may be approved by the Central Bank and shall be accompanied with:
 - (a) an authenticated copy of the act, charter, deed of settlement, memorandum of association and articles of association or other such document by which the body corporate applying for a licence is constituted;
 - (b) a statement of the address of its head office and the name and address of every officer of that body corporate;
 - (c) such financial data as the Central Bank may in writing require;
 - (d) full particulars of the business that body corporate proposes to undertake in Solomon Islands;
 - (e) the location of the principal and other places of business in Solomon Islands where it proposes to undertake business; and
 - (f) such other information as the Central Bank may require.

6 **Granting of licences**

- (1) Subject to the other provisions of this Act, the Minister may and without assigning any reason therefor:
 - (a) grant a licence for which application has been made under section 5 to the applicant therefor subject to such conditions as to him may seem desirable;
 - (b) refuse to grant any such licence.
- (2) In considering any application the Minister may, after consultation with the Central Bank, require the applicant to satisfy him as to:
 - (a) its financial status and history;
 - (b) the character of its business and management;
 - (c) the adequacy of its capital structure and earning prospects;
 - (d) the convenience and needs of the community to be served; and
 - (e) whether the public interest will be served by the granting of the licence.

7 **Revocation of licences**

- (1) The Minister may at any time on the recommendation of, or after consultation with, the Central Bank, by order revoke a licence:
 - (a) for any contravention of any provision of this Act; or
 - (b) for failure to comply with the conditions of the licence; or
 - (c) for failure by a licensed financial institution to comply with any directive issued by the Minister under section 10(3); or
 - (d) if, in the opinion of the Minister, a licensed financial institution has ceased to transact banking business in Solomon Islands; or
 - (e) for failure to commence operations within a period of six months following the granting of a licence; or

- (f) if a licensed financial institution goes into liquidation or is wound up or otherwise dissolved; or
- (g) in the circumstances referred to in section 20(4)(c).

(2) Before making an order under subsection (1) the Minister shall give the financial institution concerned notice in writing of his intention to do so specifying therein the grounds on which he proposes to revoke the licence and shall afford that financial institution an opportunity of submitting to him a written statement of objections to the making of the order.

8 Minimum paid-up capital, etc.

No body corporate shall transact banking business in Solomon Islands unless:

- (a) in the case of a commercial bank whose head office is situated in Solomon Islands its capital issued and paid up in cash and outstanding and its published reserves are not less than five hundred thousand dollars or five per centum of its total deposit liabilities whichever is the greater and in the case of a commercial bank whose head office is situated outside Solomon Islands its capital paid up in cash and outstanding and its published reserves are not less than forty million dollars or their equivalent;
- (b) in the case of a financial institution other than a commercial bank its capital issued and paid up in cash and outstanding and its published reserves are not less than two hundred and fifty thousand dollars or five per centum of its total deposit liabilities whichever is the greater, or their equivalent in the case of a financial institution (other than a commercial bank) whose head office is situated outside Solomon Islands.

9 Bodies corporate carrying on banking business on date of commencement

Every body corporate carrying on banking business in Solomon Islands at the date of the commencement of this Act shall before the expiry of three months from such date apply under section 5(1) for a licence and nothing in this Act shall prohibit such body corporate from

carrying on, or make it an offence for such body corporate to carry on, banking business in Solomon Islands between such date and the date upon which the Minister grants the licence so applied for, or refuses to grant it, as the case may be.

10 Change of constitution etc.

- (1) Every licensed financial institution incorporated in Solomon Islands shall, before the making of any amendment or alteration to its constitution or of any change in its ownership, furnish the Minister, through the Central Bank, with full particulars of the proposed amendment, alteration or change of ownership and no such amendment, alteration or change of ownership shall have any force or effect unless approved by the Minister.
- (2) A licensed financial institution shall forthwith give the Minister through the Central Bank full particulars in writing of any change in its constitution or ownership and such particulars shall be evidenced and verified in a manner satisfactory to the Minister.
- (3) If the change in the constitution or ownership of the licensed financial institution is such, in the opinion of the Minister, as fundamentally to change the said financial institution or the nature of its business the Minister may direct that institution to apply for another licence under section 5.
- (4) Any licence subsisting at the date of any directive issued under subsection (3) shall remain valid until such time as the Minister decides whether to revoke it or to grant another licence.
- (5) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine of one thousand dollars for each and every day during which the contravention continues.

11 Licence fees and display of licences

- (1) Upon the grant of a licence under the provisions of this Act there shall be paid:
 - (a) by a commercial bank, a fee of twenty thousand dollars;
 - (b) by a financial institution other than a commercial bank, a fee of

ten thousand dollars.

- (2) On every anniversary of the date on which the grant of a licence was made there shall be paid:
 - (a) by a commercial bank, a fee of ten thousand dollars;
 - (b) by a financial institution other than a commercial bank, a fee of five thousand dollars.
- (3) Every licence granted under the provisions of this Act shall be displayed conspicuously and kept so displayed in a public part of the principal office in Solomon Islands in which the financial institution carries on business.

PART III DUTIES OF FINANCIAL INSTITUTIONS

12 Reserve fund

- (1) Every licensed financial institution operating within Solomon Islands shall, subject to the provisions of subsection (2), maintain a reserve fund and shall every year out of its net profits for that year before either any dividend is declared or before any remittance of profit is made, transfer to the fund not less than twenty per centum of such profits whenever the amount of such fund after deducting any outstanding loss is less than the paid-up capital of the institution.
- (2) The Minister, if, on the advice of the Central Bank, satisfied that the aggregate published reserves of a financial institution incorporated outside Solomon Islands are adequate in respect of its business, may exempt such financial institution from the provisions of subsection (1).

13 Restriction on payment of dividends and distribution of profits

- (1) No licensed financial institution incorporated in Solomon Islands shall declare, credit or pay any dividend on its shares until all capitalised expenditure (including preliminary expenses, share selling commission, brokerage and accumulated losses) not represented by tangible assets has been completely written off.

(2) No licensed financial institution incorporated outside Solomon Islands shall remit any profits earned from its Solomon Islands operations outside Solomon Islands until all its establishment expenses not represented by tangible assets and any accumulated losses have been completely written off.

14 Restriction on certain activities by licensed financial institutions

(1) A licensed financial institution shall not in Solomon Islands:

- (a) grant to any person, firm, corporation or company or to any group of companies or of persons, which the same person or body of persons is able to control or influence, any advance or credit facility, or give any financial guarantee or incur any other liability on their behalf, of an aggregate amount in excess of:
 - (i) in the case of a financial institution incorporated in Solomon Islands, twenty-five per centum of the paid-up capital and published reserves of that institution;
 - (ii) in the case of a financial institution whose head office is situated outside Solomon Islands, the equivalent of two and one-half per centum of the paid-up capital and published reserves of that institution:

Provided that the provisions of this paragraph shall not apply to transactions between commercial banks or between the branches of a commercial bank, or to the purchase of bills of exchange or documents of title to goods where the holder of such bills or documents is entitled to payment outside Solomon Islands for exports from Solomon Islands or to advances made against such transfers, bills or documents;

- (b) grant any advance or credit facility against the security of its own shares;
- (c) knowingly grant or permit to be outstanding unsecured advances or unsecured credit facilities or give any financial guarantees without security or incur any other liabilities without security of an aggregate amount in excess of five thousand dollars:

- (i) to or on behalf of any one of its directors or to any relatives of one of its directors whether such advances, facilities, guarantees or other liabilities are obtained by or on account of the director or a relative of that director jointly or severally;
- (ii) to or on behalf of any firm, partnership or private company in which it, or any one or more of its directors or relatives of directors, is interested as director, partner, manager or agent, or to or on behalf of any firm, partnership or private company of which any one or more of its directors or relatives of directors is a guarantor;

For the purpose of this paragraph “relatives” shall include, but shall not be limited to, persons who stand in a “wantok” relationship to a director;

- (d) grant or permit to be outstanding to its officials and employees unsecured advances or unsecured credit facilities which in aggregate amount for any one official or employee exceed two years' emoluments of such official or employee.

(2) No licensed financial institution shall in Solomon Islands:

- (a) engage whether on its own account or on a commission basis in the wholesale or retail trade, including the import or export trade, or otherwise have a direct interest in any commercial, agricultural, industrial or other undertaking, except as permitted under paragraph (b) and except such interest as a financial institution may acquire in the course of the satisfaction of debts due to it and provided that all such interest shall be disposed of at the earliest suitable time;
- (b) acquire or hold:
 - (i) in the case of a financial institution incorporated in Solomon Islands to an aggregate value exceeding twenty-five per centum of the sum of the paid-up capital and published reserves of that financial institution; and
 - (ii) in the case of a financial institution whose head office is situated outside Solomon Islands to an aggregate value

exceeding one half of one per centum of the sum of the paid-up capital and published reserves of that financial institution,

any part of the share capital of any financial, commercial, agricultural, industrial or other undertaking, except such shareholding as a financial institution may acquire in the course of satisfaction of debts to it which shareholding shall, however, be disposed of at the earliest suitable time:

Provided that the provisions of this paragraph shall not apply in respect of any shareholding approved in writing by the Central Bank in a subsidiary company formed for the execution of nominee, executor or trustee functions or other functions incidental to banking business;

(c) purchase, acquire or lease real estate except as may be necessary for the purpose of conducting its business or housing its staff or providing amenities for its staff having regard to any reasonable requirements for future expansion of its business or staff:

Provided that in the event of any debt due to a financial institution which is secured upon any real or other property becoming endangered, the financial institution may acquire such property but shall resell it at the earliest suitable time.

(3) Any licensed financial institution which, prior to the commencement of this Act, entered into any transactions continuing at the time of such commencement incompatible with the provisions of subsections (1) and (2) shall submit a statement of those transactions to the Minister through the Central Bank and shall, within one year from the said date of commencement, liquidate the transactions unless the Minister gives written consent for such liquidation to be completed within any greater time.

15 Minimum holdings of liquid assets

(1) Every licensed financial institution shall in relation to its operations in Solomon Islands maintain such minimum holdings of liquid assets as may from time to time be prescribed by the Minister, after consultation with the Central Bank, and published in the *Gazette*, so

however that the minimum shall be the same for all financial institutions of the same class and shall not exceed twenty per centum of deposit liabilities in the case of commercial banks and fifteen per centum of deposit liabilities in the case of financial institutions other than commercial banks.

- (2) The Central Bank shall determine the method of computing the amounts of liquid assets required to be held by financial institutions under the provisions of subsection (1).
- (3) The Central Bank shall specify what assets shall be classified as liquid assets for the purpose of this section.
- (4) The Central Bank may impose on any financial institution which fails to maintain the appropriate level of liquid assets prescribed under subsection (1) a levy of one-tenth of one per centum per day of the amount of the deficiency in prescribed liquid assets until such time as the deficiency is corrected.

16 Statements to be furnished by financial institutions

- (1) Every licensed financial institution shall forthwith in writing notify to the Central Bank:
 - (a) its principal office in Solomon Islands;
 - (b) by name one of its officers who is to be that licensed financial institution's authorised agent, resident in Solomon Islands; and
 - (c) by name another of its officers who, in the absence or inability to act of the officer named under paragraph (b) is to be the institution's authorised agent, resident in Solomon Islands,

and shall from time to time as necessary notify the Central Bank of any changes in respect of paragraphs (a), (b) and (c).

- (2) Every licensed financial institution shall prepare and deliver to the Central Bank within three months after the date to be prescribed under paragraph (a):
 - (a) a balance sheet as at the close of business on a date in each year prescribed in respect of each financial institution;

- (b) a statement of profit and loss in respect of each year ending on that date; and
- (c) a statement of income and expenditure in respect of each year ending on that date:

Provided that a licensed financial institution incorporated outside Solomon Islands shall also provide statements of profit and loss and of income and expenditure in respect of its Solomon Islands business in respect of each year ending on that date.

- (3) Every licensed financial institution shall furnish to the Central Bank not later than thirty days after the last day of the months of March, June, September and December in each year, a statement in such form as may be prescribed from time to time by the Central Bank, showing the assets and liabilities of Solomon Islands branches, offices and agencies of the financial institution at the close of business on the last day of such month together with a statement of the total of any outstanding unsecured advances or unsecured credit facilities exceeding one thousand dollars in any one case made by those branches, offices and agencies to directors or relatives of directors, or officials, or employees of the financial institution and to any firm, partnership or private company in which a director or a relative of a director of the financial institution has a substantial financial interest:

Provided that the data contained in the said statements shall not disclose any information with respect to the affairs of any particular customer of any financial institution.

- (4) Subject to the proviso to subsection (3), the Central Bank may require a financial institution to submit within a reasonable period such further information as it may deem necessary for the proper understanding of the statements furnished by that institution under that subsection.
- (5) Save as provided in subsection (6), all statements furnished to the Central Bank in accordance with the provisions of subsection (3) shall be treated as confidential by it except for the purposes of a prosecution or other proceedings under this Act.
- (6) The Central Bank shall compile consolidated statements aggregating

the figures in the statements of assets and liabilities furnished in accordance with the provisions of subsection (3) in such form as may seem to it suitable and shall publish them as soon thereafter as may be possible in the *Gazette*.

- (7) The period within which any statement is required to be submitted under this section may be extended by the Central Bank where it considers that there are circumstances justifying an extension.
- (8) Any financial institution wilfully failing to comply with the requirements of this section shall be guilty of an offence and liable to a fine of one hundred dollars for every day during which the offence continues.

17 Exhibition of balance sheet

- (1) Every licensed financial institution shall:
 - (a) exhibit throughout the year in a conspicuous position in every office and branch of such institution in Solomon Islands a copy of its last audited balance sheet;
 - (b) within four months of the end of its financial year publish its audited balance sheet in the *Gazette*;
 - (c) within four months of the end of its financial year forward to the Central Bank a copy of its audited balance sheet and the full and correct names of the directors of that institution:

Provided that the Central Bank may if it thinks fit extend the periods specified in paragraphs (b) and (c) for a further three months.

- (2) Any licensed financial institution which fails to comply with the requirements of subsection (1) shall be guilty of an offence and liable to a fine of one thousand dollars.

18 Certain persons ineligible to take part in management of institutions licensed under Act

- (1) No person:
 - (a) who has been a director of, or directly or indirectly concerned in the management of, a financial institution the licence of which

has been revoked under section 7 or which has been wound up by a court; or

- (b) who has been convicted by a court of an offence involving dishonesty and has not received a full pardon for the offence for which he was convicted; or
- (c) who is or has been bankrupt or who compounds or has compounded with his creditors;

shall, without the express authorisation of the Minister, act or continue to act as a director of, or be directly or indirectly concerned in the management of, any institution licensed under this Act.

- (2) Any person acting in contravention of subsection (1) shall be guilty of an offence and liable to a fine of five thousand dollars or to imprisonment for five years or to both such fine and such imprisonment.

19 Auditors

- (1) Every licensed financial institution shall have its accounts audited within three months of the end of its financial year or of such period or periods as the Central Bank may order in any particular case by a person approved by the Central Bank on the application in that behalf of the financial institution.
- (2) A copy of the auditor's report on every audit made under subsection (1) shall, as soon as may be after its completion, be sent to the Central Bank.
- (3) Any licensed financial institution which fails to comply with the requirements of subsections (1) and (2) shall be guilty of an offence and liable to a fine of two thousand dollars.

PART IV INSPECTION AND CONTROL

20 Appointment of examiner to examine books and affairs of financial institutions

- (1) The Minister, after consulting the Central Bank, may from time to time

at his discretion, or at any time shall if he has reason to believe that a licensed financial institution is not transacting its business in a sound financial manner or is contravening or not complying with the provisions of this Act, appoint any fit and proper person or persons having a sufficient knowledge of accountancy to examine, under conditions of secrecy, the books and affairs of any licensed financial institution. The examiner or examiners shall be given access to all accounts, returns or other information with regard to the institution licensed under this Act which are in its possession.

- (2) In examining any financial institution in accordance with subsection (1), it shall be the duty of the examiner at all times to avoid unreasonable hindrance to the daily business of that institution.
- (3) The examiner shall report to the Minister through the Central Bank any circumstances which in his opinion:
 - (a) give reason to believe that the business of a financial institution is not being transacted in a sound financial manner; or
 - (b) that it is contravening or has contravened any of the provisions of this Act.
- (4) Following the receipt of a report from the examiner under subsection (3), the Minister may take such one or more of the following steps from time to time as may seem to him to be necessary:
 - (a) require the financial institution forthwith to take such measures as he may consider necessary in relation to its business, and if it is proved that such measures have not been taken, the financial institution shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred dollars in respect of every day during which the offence continues, and the officer responsible shall be guilty of an offence and liable to a fine of five hundred dollars; or
 - (b) appoint a person who, in his opinion, has had adequate training and experience to advise the financial institution in the proper conduct of its business and fix the remuneration to be paid by the financial institution to such person; or
 - (c) unless he is satisfied that the financial institution is taking

adequate measures to put its affairs in order, make an order under paragraph (f) of section 7 (1) revoking the financial institution's licence.

21 Moratorium

- (1) The Court, on application made *ex parte* by the Attorney-General after consultation with the Minister, may, if it considers it to be in the interests of the depositors of a financial institution to do so, make an order:
 - (a) prohibiting a licensed financial institution from carrying on any banking business in Solomon Islands; or
 - (b) staying the commencement or continuance of all actions and proceedings against a licensed financial institution under this Act in regard to any banking business in Solomon Islands,

for a specified period of time from the date of such order on such terms and conditions as to it seems reasonable, and may from time to time extend the period so, however, that the total period of a moratorium shall not exceed six months.

- (2) So long as an order under subsection (1) remains in force the licence granted under section 6 to that financial institution shall be suspended.

22 Liquidation proceedings

Notwithstanding anything to the contrary contained in the *Companies Act*:

- (a) no licensed financial institution shall be wound up without the prior approval of the Minister;
- (b) the Registrar of Companies shall be the liquidator in any proceedings in Solomon Islands for the winding up of a licensed financial institution except in the case of a members' voluntary winding up of such institution wherein the Registrar may be the liquidator;
- (c) the Court may, in the proceedings for the winding up of a

licensed financial institution, dispense with any meetings of creditors or contributors or with the appointment of a committee of inspection if it considers no object will be served thereby sufficient to justify the delay and expense;

(d) the Court shall presume that the amounts shown in the books of the licensed financial institution as standing to the credit of depositors are proved without requiring further proof from the depositors concerned unless the liquidator shows that there is reason for doubting any particular entry and the assets of the financial institution in Solomon Islands are available to meet all deposit liabilities in Solomon Islands and such deposit liabilities shall have priority over all other liabilities of the institution.

PART V MISCELLANEOUS

23 Prohibition of receipt of commission by staff, etc.

Any director or employee of a licensed financial institution who asks for or receives, consents or agrees to receive, any gift, commission, emolument, service, gratuity, money, property or thing of value for his own personal benefit or advantage or that of any of his relatives for procuring or endeavouring to procure for any person any advance, loan, financial guarantee or credit facility from that financial institution, or the purchase or discount of any draft, note, cheque, bill of exchange or other obligation by that financial institution, or for permitting any person to overdraw any account with the financial institution shall be guilty of an offence and shall be liable to a fine of one thousand dollars.

24 Unclaimed moneys

(1) In this section, “**unclaimed moneys**” means all principal, interest, dividends, bonuses, profits and sums of money legally payable by a financial institution but in respect of which the time for the taking of proceedings for recovery has expired, and includes moneys to the credit of an account that has not been operated on either by deposit or withdrawal for a period of not less than seven years.

(2) For the purposes of subsection (1) the debiting to an account of a fee for keeping the account is not a withdrawal and the crediting to

an account of interest payable by a financial institution on the account is not a deposit.

- (3) Every licensed financial institution shall, within three months after the thirty-first day of December in each year, deliver to the Central Bank a statement of all unclaimed moneys in its hands.
- (4) The statement required under subsection (3) shall specify:
 - (a) the name, and last-known address of each person to whom an amount of unclaimed moneys is payable or the owner of each account, as the case may be; and
 - (b) the office, branch or agency of the financial institution at which the last transaction took place and the date of that transaction; and
 - (c) if the person concerned is known to the financial institution to be dead, the names and addresses, so far as they are known to the institution, of his legal representatives.
- (5) The total amount shown in the statement required under subsection (3):
 - (a) shall be paid by the financial institution to the Central Bank at the time of the delivery of the statement; and
 - (b) shall, subject to subsection (7), be paid into the Consolidated Fund after the expiration of six years after payment to the Central Bank.
- (6) Subject to subsection (7), a financial institution is, upon payment to the Central Bank of unclaimed moneys under this section, discharged from further liability in respect of that amount.
- (7) Where an amount of unclaimed moneys has been paid to the Central Bank under this section and the Central Bank is satisfied that, but for subsection (6), a person would have been paid that amount by the financial institution by which it was paid to the Central Bank (or, if that financial institution is no longer carrying on banking business, by a financial institution to which that business of first-mentioned financial institution has been sold or disposed of), that amount shall

be paid to the financial institution and the financial institution shall then pay that amount to that person:

Provided that where the Central Bank has transferred the relevant unclaimed moneys to the Consolidated Fund in accordance with subsection (5)(b) the payment of the relevant amount shall be a charge upon the Consolidated Fund which is hereby, to the extent necessary, appropriated for that purpose.

- (8) The Central Bank shall cause particulars of every amount of not less than twenty dollars, or of not less than such other amount as is prescribed by the Minister, shown in a statement delivered to the Central Bank under subsection (3) to be published in the *Gazette*.
- (9) Any financial institution failing to comply with any provision of this section shall be guilty of an offence and liable to a fine of five hundred dollars.
- (10) The Central Bank or a licensed financial institution may apply to the High Court for a declaration whether any moneys are or are not unclaimed moneys within the meaning of this section and the Court may make a declaration accordingly.

25 Declaration of non-banking day

- (1) The Minister may at any time, by notice published in the *Gazette*, declare any day to be a non-banking day.
- (2) No licensed financial institution shall transact any business with the public on a non-banking day.
- (3) A non-banking day declared under the provisions of subsection (1) shall not necessarily be a public holiday and nothing in this section shall be deemed to affect the provisions of any law in force relating to public holidays.

26 Operation of Act

This Act shall have effect anything to the contrary in the *Companies Act* notwithstanding and the provisions of that Act, in so far as they relate to institutions licensed under this Act or the carrying on of banking business in Solomon Islands, shall have effect subject to the

provisions of this Act.

27 Regulations

The Minister may make regulations not inconsistent with this Act as may be required from time to time for carrying into effect the objects of this Act and without prejudice to the generality of the foregoing in particular such regulations may:

- (a) prescribe alterations to the amounts and to the fees payable under section 11(1) and (2); and
- (b) prescribe the amount of licensed financial institutions' minimum holdings of liquid assets called for under section 15(1).

ENDNOTES

1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
It = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 48 of the Revised Edition of the Laws of Solomon Islands.

2 LIST OF LEGISLATION

Banking Act (Cap. 48)

Constituent legislation:	20 of 1976 (Commenced 3 October 1977)
	14 of 1977
	LN 88 of 1978
	19 of 1982
	10 of 1995

Repealed by Financial Institutions Act 1998 (No. 3 of 1998)

Assent date	25 June 1998
Gazetted	13 October 1998
Commenced	3 August 1998

3 LIST OF AMENDMENTS